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MINISTRY OF LAW

(Legislative Department)

New Delhi, the 7th October, 1958/*Asvina* 15, 1880 (*Saka*)

The following Acts of Parliament received the assent of the President on the 6th October, 1958 and are hereby published for general information:—

THE MANIPUR AND TRIPURA (REPEAL OF LAWS) ACT, 1958

No 35 OF 1958

[*6th October,* 1958]

An Act to provide for the repeal of certain laws in force in the Union territories of Manipur and Tripura.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Manipur and Tripura (Repeal of Laws) Act, 1958.

Repeal of Manipur Co-operative Societies Act, 1947.

Assam Act I of 1950.

30 of 1950.

2. On and from the date on which the Assam Co-operative Societies Act, 1949, is extended by notification under section 2 of the Union Territories (Laws) Act, 1950, to the Union territory of Manipur, the Manipur Co-operative Societies Act, 1947, shall stand repealed.

Repeal of Tripura Co-operative Societies and Money-lenders Acts.

Bombay Act VII of 1925.

Bombay Act XXXI of 1947.

30 of 1950.

2 of 1313 T. E.

3. On and from the date on which the Bombay Co-operative Societies Act, 1925, or the Bombay Money-lenders Act, 1946, is extended by notification under section 2 of the Union Territories (Laws) Act, 1950, to the Union territory of Tripura, the Tripura Co-operative Societies Act of 1358 T.E., or the Tripura Kushid Niyamak Bidhi, as the case may be, shall stand repealed.

Savings.

4. (*1*) The repeal of any law by section 2 or section 3 shall not affect—

(*a*) the previous operation of such law or anything duly done or suffered thereunder,

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under such law,

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against such law, or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if such law had not been repealed.

(*2*) Subject to the provisions contained in sub-section (*1*), anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, permit or licence granted or registration effected) under any law repealed by section 2 or section 3 shall be deemed to have been done or taken under the corresponding provisions of the Act extended by notification as provided in that section to the Union territory of Manipur or Tripura, as the case may be, and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act.

THE INDIAN MEDICAL COUNCIL (AMENDMENT) ACT, 1958

No 36 OF 1958

[*6th October*, 1958]

An Act to amend the Indian Medical Council Act, 1956.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Indian Medical Council (Amendment) Act, 1958.

Substitution of new section for section 34.

2. For section 34 of the Indian Medical Council Act, 1956, the following section shall be substituted and shall be deemed always to have been substituted, namely:— 102 of 1956.

Repeal of Act 27 of 1933.

"34. (*1*) The Indian Medical Council Act, 1933, is hereby repealed.

(*2*) Notwithstanding anything contained in this Act, until the Council is constituted in accordance with the provisions of this Act,—

(*a*) the Medical Council of India as constituted immediately before the commencement of this Act under the

27 of 1933. Indian Medical Council Act, 1933, with the addition seven members nominated thereto by the Central Government from among persons enrolled on any of the State Medical Registers who possess the medical qualifications included in Part I of the Third Schedule to this Act (hereinafter referred to as the said Medical Council) shall be deemed to be the Council constituted under this Act and may exercise any of the powers conferred or perform any of the duties imposed on the Council; and any vacancy occurring in the said Medical Council may be filled up in such manner as the Central Government may think fit; and

(*b*) the Executive Committee and other Committees of the said Medical Council as constituted immediately before the commencement of this Act shall be deemed to be the Executive Committee and other Committees constituted under this Act.".

THE RAJGHAT SAMADHI (AMENDMENT) ACT, 1958

No. 37 OF 1958

[*6th October*, 1958]

An Act to amend the Rajghat Samadhi Act, 1951.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Rajghat Samadhi (Amendment) Act, 1958.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 4.

1 of 1951. 2. In section 4 of the Rajghat Samadhi Act, 1951 (hereinafter referred to as the principal Act),—

(*a*) in sub-section (*1*),—

(*i*) for clause (*a*), the following clause shall be substituted, namely:—

"(*a*) the Mayor of the Municipal Corporation of Delhi, *ex-officio*,";

(*ii*) for clauses (*c*) and (*d*), the following clauses shall be substituted, namely:—

"(*c*) four non-officials nominated by the Central Government;

(*d*) three members of Parliament of whom two shall be elected from among themselves by members of the House of the People and one from among themselves by members of the Council of States.";

(*b*) after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(*4*) The term of office of a member elected under clause (*d*) of sub-section (*1*) shall come to an end as soon as he ceases to be a member of the House from which he was elected.".

Members of Parliament nominated to the Committee by the Speaker to cease to hold office.

3. Any member of Parliament nominated by the Speaker under clause (*d*) of sub-section (*1*) of section 4 of the principal Act and holding office as a member of the Rajghat Samadhi Committee immediately before the commencement of this Act shall cease to hold the said office on such commencement.

THE INDUSTRIAL DISPUTES (BANKING COMPANIES) DECISION AMENDMENT ACT, 1958

No. 38 OF 1958

[*6th October*, 1958]

An Act further to amend the Industrial Disputes (Banking Companies) Decision Act, 1955

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Industrial Disputes (Banking Companies) Decision Amendment Act, 1958.

Amendment of section 3.

2. In the Industrial Disputes (Banking Companies) Decision Act, 1955, in section 3, after sub-section (4), the following sub-section shall be inserted, namely:— 41 of 1955.

"(*5*) Notwithstanding anything contained in the foregoing provisions of this section, the Central Government may, from time to time by notification in the Official Gazette, make in lieu of the adjustment of the dearness allowance recommended in clause 1(e) of Chapter XI of the Report of the Bank Award Commission, such adjustment thereof as it thinks fit for any period subsequent to the 31st December, 1957, with reference to the rise or fall, as compared to 144 (1944-100), of the average

all-India cost of living index for any period immediately preceding that period; and upon the issue of such notification the adjustment of dearness allowance so made for any period shall be deemed to have been recommended in clause 1(e) of the Report of that Commission:

Provided that any adjustment so made shall, so far as may be, bear to the rise or fall of the cost of living index the same ratio as is indicated between the adjustment of dearness allowance and the rise or fall of the cost of living index in the formulæ recommended in that clause.".

THE SEA CUSTOMS (AMENDMENT) ACT, 1958

No. 39 OF 1958

[*6th October*, 1958]

An Act further to amend the Sea Customs Act, 1878.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Sea Customs (Amendment) Act, 1958.

8 of 1878.

Insertion of new section 195B.

2. In the Sea Customs Act, 1878, after section 195A the following section shall be inserted, namely:—

Power to allow import or export on execution of bonds in certain cases.

"195B. (*1*) Where this Act or any other law requires anything to be done before a person can import or export any goods or currency or clear any goods or currency from the control of officers of Customs and the Customs-collector is satisfied that having regard to the circumstances of the case, such thing cannot be done before such import, export or clearance without detriment to that person, the Customs-collector may, notwithstanding anything contained in this Act or such other law, grant leave for such import, export or clearance on the person executing a bond in such amount, with such surety or security and subject to such conditions as the Customs-collector approves, for the doing of that thing within such time after the import, export or clearance as may be specified in the bond.

(2) If the thing is done within the time specified in the bond, the Customs-collector shall cancel the bond as discharged

in full and shall, on demand, deliver it, so cancelled, to the person who has executed or who is entitled to receive it; and in such a case that person shall not be liable to any penalty provided in this Act or, as the case may be, in such other law for the contravention of the provisions thereof relating to the doing of that thing.

(3) If the things is not done within the time specified in the bond, the Customs-collector shall be entitled to proceed upon the bond in accordance with law; and in such a case the person concerned shall also be liable to the penalty provided in this Act or, as the case may be, in such other law for such contravention as aforesaid.".

THE APPROPRIATION (No. 4) ACT, 1958

No. 40 OF 1958

[*6th October,* 1958]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1958-59.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Appropriation (No. 4) Act, 1958.

Issue of Rs. 7,42,93,000 out of the Consolidated Fund of India for the year 1958-59.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of seven crores, forty-two lakhs and ninety-three thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1958-59, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(*See* sections 2 and 3)

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
3	Salt	4,000	..	4,000
9	Defence Services—Effective—Army . .	..	4,000	4,000
79	Expenditure on Displaced persons and Minorities	..	1,000	1,000
95	Supplies	..	62,000	62,000
108	Defence Capital Outlay	..	14,000	14,000
117	Loans and Advances by the Central Government	..	2,00,00,000	2,00,00,000
128	Capital Outlay of the Ministry of Steel, Mines and Fuel	4,90,00,000	...	4,90,00,000
130	Capital Outlay on Roads	52,08,000		52,08,000
	TOTAL	5,42,12,000	2 00,81,000	7,42,93,000

G. R. RAJAGOPAUL,

Secy. to the Govt. of India.

CORRIGENDUM

In the Central Sales Tax (Second Amendment) Act, 1958 (No. 31 of 1958) published in the Gazette of India Extraordinary Part II, Section 1, dated the 16th September, 1958, on page 203, line 1, *for* the words "shall be retained", *read* "shall be retained by it;".

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